

U.S. Department of Justice
United States Attorney
Western District of New York

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PRESS RELEASE

November 8, 2005

RE: UNITED STATES v. ROBERT PAUL FENEZIANI

Acting United States Attorney Kathleen M. Mehlretter announced today the unsealing of a six-count indictment against Robert Paul Feneziani, of Buffalo, NY, charging him with lying to the Department of Defense, in violation of Title 18, United States Code, Section 1001. Each false statement count carries a maximum penalty of 5 years imprisonment, a fine of \$250,000, or both. It should be noted that the fact that a defendant has been charged with a crime . . . is merely an accusation and the defendant is presumed innocent until and unless proven guilty. **(Disciplinary Rule 7-107(B)(6)).**

Assistant U.S. Attorney Timothy C. Lynch, who is handling the prosecution of the case, stated the indictment alleges that in October 2004, Mr. Feneziani applied for a top secret security clearance in order to maintain his position as a pilot with the New York Air National Guard, 107th Air Refueling Wing. Because of the 107th's role in the United States of America's nuclear war strategy, pilots with the 107th are required to possess and maintain a top secret security clearance. The indictment charges that when Mr. Feneziani completed his security investigation form in October 2004, Mr. Feneziani provided false

information to the Department of Defense regarding where he had lived for the previous ten years, his previous employment, his marital status, his spouse's address, whether he had been arrested in the past seven years and whether he had consulted a mental health provider in the past seven years.

Acting United States Attorney Mehltritt stated that this six-count indictment demonstrates that it is imperative that Government employees, especially those with access to classified and sensitive information, provide truthful and accurate information on security background investigation forms.

The indictment was the culmination of an investigation on the part of the Federal Bureau of Investigation, under the direction of Special Agent in Charge Peter Ahearn, as well as the New York Air National Guard.

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